

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Ashby III et al.

Serial No. 09/747,274

Filed: December 21, 2000

For:

APPARATUS, SYSTEM AND METHOD

FOR RECORDING AND/OR

RETRIEVING AUDIO INFORMATION

Group Art Unit: 2654 Examiner: T. Smits

Atty. Dkt. No. 5007-00700

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Ofass Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date indigated below:

December 12, 2003

Date

AMENDMENT AFTER ALLOWANCE PURSUANT TO 37 C.F.R. § 1.312

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

Dear Sir/Madam:

In accordance with information retrieved from the U.S. Patent & Trademark Office website, the captioned application has been allowed. A Notice of Allowance, however, has not yet been mailed according to Examiners Susan McFadden and Dwayne Bost. In a discussion via telephone with Ms. McFadden and Mr. Bost on November 20, 2003, it was determined that this Amendment After Allowance is necessary to cure certain informalities before the Notice of Allowance can be mailed.

According to MPEP 1453, as confirmed by Mr. Bost, the prior Amendment after Final Rejection mailed to the Patent Office on June 17, 2003 ("Prior Amendment"), was inaccurate as to form. Therefore, this amendment is necessary to correct those inaccuracies. In the Prior Amendment, claims 5, 12, 18, 24, 29, and 35 were amended. Those claims are considered "new claims" in that they were previously presented in the Preliminary Amendment filed December 21, 2000. Thus, when new claims are amended, the entire claim must be underlined and not just the amended portion(s). Accordingly, in order to fully